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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/658,267

09/10/2003

Helmut Schlessmann

A 91825

4017

7590

01/19/2007

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EXAMINER

SHARP, JEFFREY ANDREW

ART UNIT

PAPER NUMBER

3677

MAIL DATE

DELIVERY MODE

01/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/658,267

Applicant(s)

SCHLESSMANN, HELMUT

Examiner

Jeffrey Sharp

Art Unit

3677

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 January 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): Claims 1, 2, 4, 5, and 13 under 35 U.S.C. 102(b).
6. ☒ Newly proposed or amended claim(s) 8-11 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: 8-11.
Claim(s) objected to: _____.
Claim(s) rejected: 1-7, 12, and 13.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.


**ROBERT J. SANDY
PRIMARY EXAMINER**

Continuation of 11. does NOT place the application in condition for allowance because: The Examiner feels that the rejection of claims 1-7, 12, and 13 made in the final Office Action mailed 02 October 2006 is proper. Claims 1, 2, 4, 5, and 13 are at least obvious in view of Wieland US-5,243,764. One of ordinary skill in the art would readily appreciate that a thread of the attachment pin taught by Wieland touches/engages an aperture through an apparatus part, and therefore said pin "threadably engaged" with the apparatus part. Examiner also maintains the position that when the claims are treated in their broadest reasonable sense, Niwa et al. US-6,328,513 still anticipates the limitations found in claims 1-4, 6, 7, 12, and 13. The Examiner also maintains the position that the limitations of claim 3 are obvious over Wieland in view of Brown US-1,574,466, because the Brown reference suggests the advantages of placing a slot extending peripherally about an attachment pin – those advantages mainly being to provide a safety connection, and/or to inherently increase the amount of exposed surface area to ambient air. Lastly, US-4,401,418 to Fritchman in view of US-4,304,503 to Gehrig et al. suggests an attachment pin satisfying all limitations found in the instant claims 1, 2, 4, 6, 7, and 13. In short, Fritchman teaches joining a flange section of a muffler to a (broad) "apparatus part" via an attachment pin. The pin defines a cooling surface due to the two collars extending around the central area of the attachment pin, which allows air to travel between parts (i.e., enables convection or easier conduction to ambient air). While Fritchman fails to disclose steel as a material, it is well-known in the art to change materials as is needed to obtain optimum performance, durability, and strength.